



Texas Department of State
Health Services

Consumer Protection Division

Policy, Standards, And Quality Assurance Section

HURRICANE HARVEY

EMERGENCY GUIDANCE REGARDING PRIVATE PERSONS OFFERING PREPARED FOODS TO THE GENERAL PUBLIC

Licensed Entities re-opening after the Harvey Event will be inspected as soon as possible using the Retail Re-Opening Checklist. A "notice of approval to re-open" will be provided to the entity for posting. A more typical and complete inspection will occur as time and resources allow.

Food Donations to Evacuees:

Emergency Shelters will be inspected using the Emergency Shelter Recommendation Form.

Food donated/provided at no cost by a permitted entity must meet all applicable codes. The deficiencies may include: approved source violations under 25 Texas Administrative Code (TAC) § 228.62, cooking under 25 TAC § 228.71, temperature control (hot and cold hold) § 228.75, handwashing for temporary event tents without handwashing facilities under 25 TAC 228.38, and unapproved water source under 25 TAC § 228.141.

These violations apply for permitted parties that are selling or donating prepared foods. The definition of Food Establishment includes foods obtained by the shelter by donation and purchase. 25 Tex. Admin. Code 228.62(57).

Individuals and non-profit organizations preparing food from un-permitted kitchens shall be allowed to do so, but the food should be assessed for time and temperature violations using the Retail Re-Opening Checklist. If there is an indication of time/temperature violations, the food should be consumed with caution. Attention should be taken at the food service location to ensure the food is served under sanitary conditions. Guidance regarding safe food handling and serving shall be provided as needed to the person in charge of the volunteer food service, as available. Situations which present an immediate and imminent threat to public health and safety shall be addressed as violations of the TFER.

All locations serving foods prepared in non-permitted kitchens shall have a legible, prominently displayed sign reading, "Food prepared off-site by volunteers and is offered for free". Signage may have an equivalent message.

Foods prepared in non-permitted kitchens and offered outside of the private residence on a public lot, at a shelter, hotel hosting hurricane refugees, or any other facility offering food or shelter to hurricane refugees shall be inspected using the Re-Opening Checklist. At no time can foods prepared in an unpermitted kitchen be offered for human consumption at a cost to the consumer.

Foods Sold Directly to the Consumer:

Foods may not be sold by a private individual (preparing food from their residence).

Mobile Food units that are currently permitted in any jurisdiction will receive an inspection using the Retail Re-Opening checklist and allowed to operate if they meet requirements.

Other Restrictions:

Raw milk and raw milk products may not be donated, distributed or consumed under these guidelines.

Guidance Document Time Limited:

This guidance is time limited to the duration of the requisite waivers issued by the Governor.